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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Tokelau

Working paper prepared by the Secretariat

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I. General

1. Tokelau,[1] a Non-Self-Governing Territory administered by New Zealand, consists of three small atolls in the South Pacific (Fakaofo, Nukunonu and Atafu), with a total area of approximately 12.2 square kilometres. Fakaofo is the southernmost atoll; Nukunonu is nearly 50 kilometres away and Atafu nearly 100 kilometres from Nukunonu. Each atoll comprises strips of land no more than 200 metres wide and never more than 5 metres above sea level. Samoa, 480 kilometres to the south, is the nearest sizeable neighbour.

2. Tokelauans are Polynesians with linguistic, family and cultural links with Samoa. The last five-yearly census, conducted on 11 October 2001, recorded a population of 1,518, a slight increase over the 1996 figure of 1,507 people. This figure includes all those present on census night plus those who usually reside in Tokelau but were overseas temporarily in government employment or for educational and medical reasons — a frequent occurrence in this Territory. By atoll, the population was recorded as follows: Atafu, 608; Fakaofo, 501; Nukunonu, 409. The constraints of atoll life and limited opportunities have led some 6,000 Tokelauans to settle abroad, mainly in New Zealand and Samoa.

3. There has never been a New Zealand representative resident in the Territory. The New Zealand official who deals with Tokelau is the Administrator, appointed by the Minister for Foreign Affairs and Trade. In March 2003, a new Administrator, Neil Walter, was appointed. In the past, there was also a Public Services Commissioner for Tokelau, a delegate of the State Services Commissioner. The last Public Services Commissioner, Aleki Silao, a New Zealand-based Tokelauan, remained in his post until 30 June 2001, when responsibility for public services was transferred to the Territory (see para. 32 below).

4. In August 2002, a Mission of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples visited Tokelau and New Zealand at the invitation of the Government of New Zealand and the people of Tokelau. It was the first mission of this kind since 1994. The report of the Mission (A/AC.109/2002/31), which includes information on the Territory's current situation, an account of meetings, and conclusions and recommendations, was issued in September 2002. In October 2004, the Chairperson of the Special Committee on Decolonization, Mr. Robert Aisi, attended the special constitutional workshop held at Atafu, pursuant to the invitation extended by the Ulu of Tokelau earlier in the year.

5. In May 2004, the Special Committee held the Pacific Regional Seminar in Papua New Guinea, at which Tokelau was used as a case study illustrating how small Territories might approach the challenges of decolonization. The following month, the Ulu of Tokelau and the Administrator participated in the session of the Special Committee at United Nations Headquarters in New York.

II. Constitutional and political developments

6. As reported in previous working papers on the question of Tokelau (see A/AC.109/2001/5, A/AC.109/2002/6, A/AC.109/2003/10 and A/AC.109/2004/8), the current process of constitutional development stems from the 1998 decision by the General Fono (the national representative body) to endorse a comprehensive

report entitled "Modern House of Tokelau", which addressed the core issue for Tokelau in creating a constitutional framework: how to construct a self-governing nation based on the atoll or village structure.

7. Regarding the legislative structure, in accordance with recommendations made in the 1998 Modern House report, a new electoral system was instituted for the General Fono. In the past, the 27-seat General Fono was made up of members chosen by each village's Taupulega (Council of Elders or Village Council) to serve three-year terms; only the Faipule (the representative of each village) and the Pulenuku (the mayor of each village) were elected. In January 1999, elections for a reformed General Fono, made up of six members from each village (18 altogether), were held on the basis of universal suffrage. Each village first elected four officials: Faipule, Pulenuku, Deputy Faipule and Deputy Pulenuku. Next, it elected two delegates nominated by designated groups in the village: women and the aumaga (the workforce of able-bodied men). The newly elected General Fono reflected a generational change in membership. Delegates were younger and had received more formal education than before. In addition, whereas in the past, membership in the General Fono was rotational in nature, several of the new delegates had served previously.

8. In November 2001, it was decided that representation within the Fono would be changed based on the results of the 2001 census. This meant that for the first time in the history of the General Fono, the three atolls would not be represented by the same number of delegates, but would have legislative seats proportional to the size of their population. Thus, replacing the former structure of 18 members (6 per atoll), the new General Fono has 21 members, giving Atafu 8 delegates, Fakaofo 7 and Nukunonu 6. The triennial elections for Faipule and other General Fono delegates were held from 16 to 22 January 2002. Each of the three incumbent Faipule was re-elected. Among the elected delegates, 11 of them (more than half the composition of the General Fono) have not held office before. The position of Ulu-o-Tokelau (titular head of the Territory) rotates annually among the three Faipule. In January 2003, Fakaofo's Faipule, Kolouei O'Brien, was installed as Ulu for 2003. In January 2004, Atafu's Faipule, Patuki Isaako, took over the post. Elections for the positions of Faipule and Pulenuku of each village were held in January 2005. Pio Tuia was re-elected Faipule of Nukunonu and will be Ulu-o-Tokelau for 2005. Kolouei O'Brien was re-elected Faipule of Fakaofo and Kuresa Nasau was once again elected Faipule of Atafu.

9. The issue of representation within the General Fono was again reviewed at the October 2004 meeting of the Special Constitutional Committee at the October 2004 General Fono. At the same meeting in October, decisions were taken on the method of appointment of the Chairperson of the General Fono and on the role and responsibilities of the six-person Council for Ongoing Government (see para. 17 below).

10. The October 2004 General Fono took a number of decisions on Tokelau's draft constitution and legislative framework. Agreement was also reached on law-making procedures, the role of the constitutional advisory body, Kau Hauatea, the judicial system and the newly established International Trust Fund.

11. It will be recalled that initial studies on a Tokelauan constitution had been conducted in the mid-1990s and a "first glimpse" draft paper was published in 1997, in both Tokelauan and English. In November 2003, the General Fono adopted a

paper recommended by its Special Constitutional Committee which brought together all the main elements currently expected to be in an eventual constitution. That followed an extensive process of consultation conducted by the Tokelau public service on all three atolls. The paper draws upon customary practice, the written rules of the General Fono and parts of New Zealand law. The draft constitution was given further consideration at the October 2004 meetings of the Special Constitutional Committee and the General Fono. The draft forms part of the ongoing dialogue between New Zealand and Tokelau on Tokelau's future political status.

12. An on-island review conducted by the Administrator resulted in a report adopted by the General Fono in January 2004, which contains recommendations relating to the future shape and functioning of Tokelau's public services.

13. At its meeting in June 2003, the General Fono had agreed that the three Village Councils should assume full responsibility for all the public services on their atoll and set a target date of 30 June 2004 for the achievement of that objective. The decision stemmed from the earlier agreement on an approach known as the Modern House of Tokelau whereby the traditional Council of Elders on each atoll should serve as the foundation for a future governance structure. Under that arrangement, the three Councils would delegate authority to the General Fono for those activities to be managed at the national level. The Administrator was asked to conduct a review of Tokelau's public services to ensure that the villages and nation were suitably equipped to handle their new responsibilities. A Commission of Enquiry was conducted in September/October 2003 to that end. The review team spent 10 weeks in Tokelau consulting with all interested parties. Its report, which contains a number of recommendations relating to the future shape and functioning of Tokelau's public services, was adopted by the January 2004 General Fono.

14. At the June 2004 General Fono, the Administrator formally delegated his responsibilities to the Taupulega (Village Councils) of the three villages. In turn, the three Taupulega sub-delegated to the General Fono responsibility for specified subjects that need to be handled at the national level. The reworking or devolution of the public services in line with this new political structure based on the three villages has now been completed. The main feature of this arrangement is that it puts the three villages squarely at the heart of Tokelau's system of government and reaffirms the "pule", or traditional authority, of the three Village Councils. This represents the realization of the concept known as the "Modern House of Tokelau".

15. At the June 2003 General Fono, it was agreed that the activities previously undertaken under the Modern House project aimed essentially at strengthening governance systems, boosting capability and enhancing economic development would henceforth be mainstreamed and run as part of the overall annual budget and planning process. It was also agreed that from 1 July 2003, Tokelau would be responsible for its full budget. Previously, the economic support provided by New Zealand had been divided into a budgetary support grant, on the one hand, and development assistance projects administered by New Zealand's Agency for International Development, on the other hand. Tokelau's budget for 2003/04 was adjusted accordingly. The remaining aspect of the Modern House project, known as "Friends of Tokelau" — i.e., keeping Tokelau's communities in New Zealand and other interested parties informed of developments — is now being handled by the Tokelau Liaison Office in Apia and the strengthened Tokelau Unit in Wellington. The Tokelau Unit has also been designated the official coordinating point for all

Tokelau activities undertaken by the New Zealand Government, in order to ensure policy coherence and practical coordination.

16. The status of Tokelau's institutions of government and its constitutional and legal development were discussed during the Special Committee's Mission to Tokelau and New Zealand in August 2002. In its report (A/AC.109/2002/31), the Mission summarized these discussions and made recommendations to advance the self-determination process further. During the Mission's stay in Wellington, the representatives of New Zealand noted that consultations with Tokelau on a relationship framework were expected to begin later in 2002 in order to make explicit the basis and parameters of the relationship between them. It was anticipated that these consultations would:

(a) Reconfirm Tokelau and New Zealand's ongoing commitment and responsibilities to one another;

(b) Identify the values and principles that are the foundation for New Zealand and Tokelau's relationship;

(c) Confirm the terms under which New Zealand will provide ongoing economic and administrative assistance to Tokelau;

(d) Identify the principles underpinning such issues as Tokelau's security and defence, its participation in regional and international affairs, the role of the Tokelauan community in New Zealand and the decolonization process;

(e) Institute more structured communication and liaison between Tokelau and New Zealand so that issues concerning both parties can be addressed more strategically and systematically in the future.

17. The six-person Council for Ongoing Government is in effect the executive Government during times when the General Fono is not in session. The Council consists of the three Faipules (the representative of each village) and the Pulenukus (the mayor of each village). In November 2004, at the Prime Minister's invitation, the Council visited New Zealand for high-level discussions on Tokelau's further political evolution. The Council met with the Governor-General, the Prime Minister, the Minister of Foreign Affairs and Trade and the Leader of the Opposition. The Council also held a series of meetings with the main Tokelauan communities in New Zealand. Agreement was reached on the principal elements to be included in a draft Treaty of Free Association. It was noted that, if Tokelau agreed to undertake an act of self-determination, the United Nations would be invited to provide electoral assistance.

18. The first discussions on a new relationship framework were held in Wellington in December 2002. Following further consultations, a Principles of Partnership statement was agreed upon by the June 2003 General Fono and subsequently approved by the New Zealand Government. A formal signing ceremony was held in Tokelau in November 2003, in the presence of New Zealand's Governor-General. The Partnership agreement provides the medium to long-term context in which work can be carried forward on Tokelau's constitutional and other developments. The document addresses the management of the partnership, self-determination for Tokelau, Tokelau's language and culture, New Zealand citizenship, shared values, economic and administrative assistance, coordination of services to Tokelau, defence and security, foreign affairs and the Tokelauan community in New Zealand.

At the same time, the New Zealand Government approved a support scheme for Tokelau known as the administrative assistance scheme. The essence of the scheme is that all New Zealand government agencies are now formally instructed to consider providing assistance to Tokelau within their sphere of responsibility. Arrangements have been made for the Tokelau Unit in Wellington to act as liaison and coordination point for the scheme. Activities are already under way in the areas of health, education and fisheries.

19. In November 2003, the General Fono took a formal decision, by consensus and with the support of all three Village Councils, to "endorse self-government in free association with New Zealand as the choice now to be actively explored with the New Zealand Government". That was based on a recommendation of the Special Constitutional Committee, which in turn was based on extensive consultations held in each atoll earlier in the year. The meeting of the Special Constitutional Committee was greatly assisted by funding provided by the United Nations Development Programme (UNDP) for this exercise.

20. Agreement was reached at the January 2004 General Fono on the steps to be taken to give effect to this decision. These included discussions of senior officials in Wellington in April 2004, discussions, during the Pacific Regional Seminar in May 2004, of the Special Committee on decolonization, followed by consultations in New York in June 2004 during the meetings of the Special Committee on decolonization, as well as an official visit made to Tokelau by New Zealand's Prime Minister, Helen Clark, in August 2004. During her visit, the Prime Minister welcomed Tokelau's recent decisions on its future political status and assured Tokelau of New Zealand's ongoing friendship and support as it moved towards an act of self-determination.

External relations

21. As spelled out in paragraphs 9 and 10 of the Principles of Partnership statement, Tokelau, as a Non-Self-Governing Territory, currently has insufficient international legal personality to enter into formal international legal obligations in its own right. New Zealand is responsible for entering into any such obligations on Tokelau's behalf, after consulting with Tokelau as to its wishes. Tokelau participates in regional and international organizations in its own right to the extent that those organizations provide for such participation. For example, Tokelau is a member of the Forum Fisheries Agency and the South Pacific Community and is an Associate Member of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

22. In March 2003, the first formal visit to Tokelau by a Samoan Prime Minister took place and a memorandum of understanding was signed in which they agreed on an annual programme of activities in areas such as education, shipping and economic cooperation. In December 2004, Tokelau held a first round of official talks with the Prime Minister of Samoa, as provided for in the memorandum of understanding.

23. In April 2003, the resident representative of UNDP visited Tokelau. The Director-General of the Secretariat of the Pacific Community also visited Tokelau during that time. One outcome of that visit was that a senior member of the Secretariat of the Pacific Community would act as a focal point for Tokelau programme activities, focusing on community health, youth, women, fisheries and

cultural development. In August 2004, the Acting Ulu of Tokelau attended — as part of the New Zealand delegation — the Pacific Islands Forum meeting, held in Apia. The Acting Ulu addressed the Forum as Tokelau's representative and consideration is now being given to applying for observer status at the Forum.

24. In November 2003, New Zealand and Tokelau entered into an agreement with France on the delimitation of the maritime boundaries between Wallis and Futuna and Tokelau.

III. Economic conditions

A. Economic developments

25. Traditional and communal values and practices play a key role in contributing to a state of general well-being and equity in the Territory, as evidenced by the redistribution principles of traditional wealth (the inati system) and the importance attached to upholding the concept of the family and/or the extended family. The tradition of inati requires the deposition at a central location of food and produce, which are then apportioned by the distributors on the basis of "share groups". The principle provides for a secure distribution system that caters to the needs of every member of the community, including the elderly, widows, single parents and children. Major constraints on economic growth include natural disadvantages, such as the small size of Tokelau, isolation, the geographical spread of the atolls, limited and poor natural resources and proneness to natural disasters (such as cyclones). Tokelau's economic stability has so far been made possible by the high levels of assistance provided by the administering Power.

26. Tokelau's national budget for 2003-2004 was set at NZ$ 8.6 million. The full budget is now under Tokelau's control (previously it controlled the budgetary support element but not the project assistance funds).[2] New Zealand continues to be the primary source of economic support. In June 2003, the General Fono took decisions on its budgetary allocations for the 2003/2004 financial year. New Zealand provided additional one-off grants totalling NZ$ 650,000 to improve shipping services, accelerate public building maintenance programmes and strengthen health and education services.

27. During the visit by the Prime Minister of New Zealand (see para. 20), a multi-year economic support agreement was signed between the New Zealand Agency for International Development (NZAID) and Tokelau. Additional funding was announced to improve shipping services while a study of long-term shipping options is being carried out jointly by Tokelau and New Zealand. The Prime Minister also announced a further grant of NZ$ 1 million to Tokelau's International Trust Fund. The Fund, which now stands at some NZ$ 7.5 million, was formally established at a signing ceremony between the Acting Ulu of Tokelau and New Zealand's Minister of Foreign Affairs and Trade in November 2004. Contributions will be sought shortly from regional and international bodies and donor countries.

28. While the bulk of development assistance to Tokelau has been bilateral support from New Zealand, UNDP also contributes from its office in Apia to the strengthening of the Territory's social and economic capabilities as it moves towards greater self-government and self-reliance. Some of the milestones in the UNDP

relationship with Tokelau have been the first telephone connection in the Territory in 1997, building sea walls after a cyclone and its early and ongoing support to the Modern House project. Within the Tokelau/UNDP country cooperation framework for 1998-2002,[3] UNDP provided funding of US$ 214,000 in direct support to the Modern House project, which focused on macrolevel financial management and strategic economic planning. Other projects included the US$ 148,000 job creation and sustainable livelihoods project, implemented by the International Labour Organization, and the US$ 150,000 household income and expenditure survey, which provided data on the needs of vulnerable sectors (youth, women, children, the elderly and the disabled).

29. In August 2002, when the UNDP resident representative accompanied the United Nations Visiting Mission to Tokelau, she introduced the new Tokelau/UNDP country programme for 2003-2007, which is expected to invest over US$ 0.5 million per year over the next five years. According to the representative, it will again focus on support for the Modern House project, with grant assistance in two areas: governance and sustainable development. Under governance, support will continue for capacity-building and training. Under sustainable development, UNDP will support development projects, such as microenterprise projects for women and skills training for youth; a comprehensive assessment of fishing resources to strengthen the fisheries industry; and environmental management projects, including reducing reliance on fossil fuels by building solar energy units and improving fuel storage and protection against oil spills. While Tokelau does not qualify for funding under the Global Environment Facility (GEF) owing to its non-self-governing status, UNDP is exploring ways in which Tokelau could benefit from regional GEF projects. The representative also noted the willingness of UNDP to assist the Territory should a study to review the options for its future self-determination be requested by Tokelau.

30. In November 2004, the Council for Ongoing Government appointed a Director of Economic Development and Environment. This will strengthen the governance project's economic dimension and be aimed at expanding economic and social opportunities, thereby increasing the village and national revenue base and, thus, Tokelau's self-reliance.

31. Regarding commercial fisheries, under the 1987 Treaty on Fisheries between the Governments of certain Pacific Islands and the Government of the United States of America (also known as the United States Tuna Treaty), Tokelau earns fees paid by United States vessels fishing in its exclusive economic zone. Thus, Tokelau earned US$ 506,308 in fishing fees during 2001/2002. The return in 2003/2004, however, fell sharply. In addition, Tokelau is seeking to conduct an audit of its maritime resources and to develop its own commercial fishing capacities. As part of this process, the Territory asked for assistance from the Forum Fisheries Agency and in 2002, the Territory acceded to associate membership in the Agency. Tokelau also participates actively in the work of the Western and Central Pacific Fisheries Commission.

B. Public services

32. In the 1990s, both the New Zealand and Tokelauan authorities agreed that the Tokelau Public Service produced a management structure that emphasized national

arrangements over village ones, weakening, in the process, the institution of the village. In July 1998, at the request of the territorial Government, a New Zealand-based Tokelauan was appointed Tokelau Public Service Commissioner to ensure the effective running of the existing Service and to assist Tokelau in developing and implementing a new independent public service that would fit within the Modern House project. The Government of New Zealand adopted legislation to enable responsibility for the Service to be passed to Tokelau. In February 2001, the General Fono established a three-member Tokelau Employment Commission (one member designated by each village) as the successor body, effective 1 July 2001. As a result of the 2003 Commission of Enquiry, that body has now been dissolved. In future, its duties will be discharged by Tokelau's senior public servants, acting under delegation from the village and national political authorities.

33. New Zealand and Tokelau have agreed to the appointment of a number of well-qualified and experienced advisers working alongside Tokelau's Directors in the key areas of health, education, finance and public-service management. It is envisaged that a similar mentoring arrangement will apply in the fields of economic development and environment. A special one-week training workshop for all senior Tokelau public-service managers took place in New Zealand in November 2004.

34. Work continued in Wellington on strengthening the support network available to Tokelau, including the Administrative Assistance Scheme, whereby New Zealand government agencies are directed to give Tokelau specialist advice and support in a range of public-sector areas. This assistance is coordinated through the office of the Administrator of Tokelau, known as the Tokelau Unit, in the Ministry of Foreign Affairs and Trade.

C. Transport and communications

35. Tokelau has no airstrips and until recently its main transportation option was that provided by a single vessel, the *MV Tokelau*, a mail ship with limited cargo and passenger capacity that provided service every two weeks between Tokelau and Apia, as well as inter-atoll services. The United Nations Mission that visited the Territory in August 2002 concluded that the lack of transportation options was one of the greatest drawbacks to economic development in the Territory and recommended that serious consideration be given to the establishment of a dedicated inter-atoll ferry and an airstrip on one of the atolls. In 2003/2004, additional funding was provided by New Zealand to support the more frequent use of larger vessels, under charter from the Samoa Shipping Corporation, for the Apia/Tokelau service. This funding is to be further boosted as from the 2004/2005 year. In the meantime, a formal review of Tokelau's long-term shipping needs is being carried out jointly by Tokelau and New Zealand.

36. The first use of the General Fono's legislative power was the establishment of the Telecommunications Tokelau Corporation under the Tokelau Telecommunications Rules of 1996. The NZ$ 4 million international telecommunication service was inaugurated in April 1997 and is contributing to the Territory's progress towards self-determination by facilitating Tokelau's contact with the outside world. Previously, Tokelau had to rely on short-wave links to Samoa. Of the total cost, New Zealand contributed NZ$ 1.5 million and Tokelau NZ$ 1.6 million. UNDP and the International Telecommunication Union provided the balance. In February 2002, FM

radio stations were inaugurated on each of the three atolls with funding from the New Zealand Agency for International Development. Currently, they operate independently, but there are plans to link them at least once a week for a national programme. The new radio stations are seen as an excellent means of maintaining the Territory's cultural heritage as well as a way of facilitating communication on community matters. In addition, they provide a way to increase transparency in political, social and economic developments as they broadcast meetings of the Mayor and Council of Elders on each atoll.

37. Tokelau also has a web site, www.dot.tk, which became operational on 15 January 2002 and offers both free and paid dot.tk domain names. The web site is the result of a commercial licensing agreement between the Telecommunications Tokelau Corporation and a private company which set up Taloha Inc. It is seen as having the potential to provide revenue to the Territory without any capital outlay by the Telecommunications Tokelau Corporation.[4] A comprehensive review of Tokelau's information technology systems and structures was conducted in mid-2004. The report of the review team is now being considered by the Council for Ongoing Government.

D. Power supply

38. The 2001-2002 New Zealand Agency for International Development forward aid programme allocated NZ$ 400,000 to continue the installation of diesel generation systems on all three atolls. In August 2002, it was reported that 24-hour diesel power was available on two of the three atolls and that installations on the third atoll would be completed before the end of the year. It was agreed that a further allocation of NZ$ 300,000 would be made and that the current tariffs for power consumption on each atoll would be retained and reviewed after one year, once operational and maintenance costs were known. A report covering the final phase of this project is currently under consideration by Tokelau and New Zealand, as is a proposal concerning the installation of bulk fuel tanks in Tokelau. Following discussions between the Agency and UNDP, there is also a project for a solar power (photovoltaic) component to the new system, which UNDP and UNESCO have agreed to manage with partial funding from France.

IV. Social conditions

A. Education

39. Under Tokelau's compulsory education system, primary and secondary education are available to everyone. As a member of the University of the South Pacific (USP), Tokelau also has access to the USPNet educational telecommunications system through a satellite established in Atafu. However, the low standard of the education system remains a problem, with many families migrating to New Zealand or Samoa in order for their children to receive higher-quality education. In 2002-2003, NZ$ 178,000 was allocated for scholarships and NZ$ 230,000 was allocated for new education initiatives. Meanwhile, a 2002 study on Tokelau's education system has recommended immediate technical support for Tokelau's Education Department and the development of a comprehensive strategy

to shape the future direction of schooling in the Territory. Tokelau and New Zealand have agreed to act urgently on these recommendations. Additional funding was allocated in 2003/2004 to remedy the problems and a senior education adviser took up a new position in March 2004. A new appointee to the position of USP Coordinator in Atafu is expected to take up her post in January 2005.

B. Health

40. Average life expectancy is 69 years.[5] There are three basic hospitals, one on each atoll. However, the shortage of qualified medical practitioners and general health-care workers, as well as the maintenance of installations and equipment, remain a serious problem. In addition, the need to transfer the more serious cases to Samoa or New Zealand for treatment represents a large expense in the national budget. A New Zealand-based doctor provides support to the Tokelau Health Department and coordinates the provision of locum doctors, medical referrals to New Zealand, training and equipment purchases. The 2002-2003 health allocation was NZ$ 390,000, but an August 2002 review of the health project confirmed the need for action by both parties to address numerous concerns over the provision of medical services on the atolls. The World Health Organization (WHO), of which Tokelau is an associate member, reports that changes in lifestyle and an increase in non-communicable diseases in Tokelau have resulted in the need for health education programmes focused mainly on the promotion of non-smoking, increasing physical activity and controlling the use of alcohol among young people.[6] Further data regarding the WHO Tokelau projects is to be found in the report of the Mission to Tokelau (A/AC.109/2002/31, para. 32).

41. A Health Services Adviser was appointed in late 2003, with responsibility for assisting Tokelau's Director of Health to strengthen and improve health services in Tokelau. Following discussions in the January 2004 General Fono, an action plan is being prepared to improve the standard of Tokelau's health services. An agreement on patient referrals to New Zealand was signed by the Council for Ongoing Government and the Capital and Coast District Health Board in November 2004. A pilot cervical screening programme was started in the same month and a pharmacist was appointed to help with supplies of drugs and equipment.

C. Status of women

42. Women are well integrated in Tokelauan society. They participate in the village decision-making process, through Fatupaepae (women's committees), the village Councils of Elders and their membership in the General Fono. The new electoral system for the General Fono has increased gender equity. Women elected to the General Fono no longer function as the representative of the women's committee, but are responsible for representing all the people of the village. A number of women who addressed the United Nations Visiting Mission in August 2002 mentioned that there had been considerable social progress in recent years, namely, governance projects to assist the elders in making decisions, FM radio to disseminate these decisions and greater support for women's handicraft projects and youth training centres. Nonetheless, they also called for greater support for job creation in order to reduce Tokelau's future dependency on outside aid (see A/AC.109/2002/31, para. 23). The 2002-2003 New Zealand Agency for

International Development allocation for gender and development remained at NZ$ 30,000, part of which will be used to cover the cost of a programmed national women's meeting.

V. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

43. The Special Committee considered the question of Tokelau at its 7th meeting, on 16 June 2004 (see A/AC.109/2004/SR.7). Statements were made at that meeting by the Administrator of Tokelau, the Ulu-o-Tokelau and the representatives of the Syrian Arab Republic, Bolivia, the Congo, Chile and Cuba. The representative of Papua New Guinea introduced draft resolution A/AC.109/2004/L.10 on behalf of his delegation and Fiji. The Committee adopted the draft resolution as orally revised by its sponsors, without a vote.

B. Special Political and Decolonization Committee (Fourth Committee)

44. At its 2nd meeting, on 4 October 2004, the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly heard statements by the Rapporteur and the Chairperson of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in which they referred to the year's developments regarding Tokelau (see A/C.4/59/SR.2).

45. At the same meeting (see A/C.4/59/SR.2), the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly heard a statement by the Permanent Representative of New Zealand to the United Nations (see para. 49 below). Also at the same meeting, the representatives of Cuba and Papua New Guinea made statements in which they commended the New Zealand Government for its exemplary cooperation with the Special Committee. At its 10th meeting, on 12 October 2004, the Committee adopted draft resolution V contained in the report of the Special Committee (A/59/23 (Part III), chap. XII), entitled "Question of Tokelau", without a vote.

C. Action by the General Assembly

46. At the 71st meeting of the fifty-ninth session of the General Assembly on 10 December 2004, on the recommendation of the Fourth Committee, the Assembly adopted resolution 59/133 on the question of Tokelau without a vote. On the same date, it also adopted resolution 59/136 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, paragraph 7 of which refers to Tokelau.

VI. Future status of the Territory

A. Position of the administering Power

47. Speaking before the Special Committee on Decolonization at its 7th meeting on 16 June 2004 (see A/AC.109/2004/SR.7), the Administrator noted that further significant milestones had been achieved in Tokelau's steady progression towards an act of self-determination. On the political front, Tokelau was moving to a new system of Government based on the three village councils. Its public services had been strengthened and restructured. Success in those key areas was critical for Tokelau's continued viability as a community and a prerequisite to its further political evolution. New Zealand was now providing administrative and technical support on a whole-of-Government basis. Tokelau had made good progress in its discussions with New Zealand about the decolonization option of self-government in free association. It had pushed ahead with its draft constitution, anthem and flag. It currently had firm assurances of ongoing New Zealand support, including an enhanced multi-year economic support agreement and the joint statement of the principles of partnership.

48. Speaking before the Special Political and Decolonization Committee (Fourth Committee) at its 2nd meeting, on 4 October 2004 (see A/C.4/59/SR.2), the representative of New Zealand outlined recent developments and noted that the past 12 months had seen considerable movement, both in New Zealand and in Tokelau, towards an act of self-determination. The signing of the joint statement of the principles of partnership, the official visits to Tokelau by New Zealand's Governor-General and Prime Minister, the delegation of the Administrator's powers to the Village Councils, the restructuring of the public services in Tokelau and the strengthening of New Zealand's support systems, the formal establishment of Tokelau's International Trust Fund, the visit by the Chairperson of the Special Committee in October 2004, the dialogue now joined between Tokelau and New Zealand on the decolonization option of self-government in free association with New Zealand, Tokelau's first formal appearance before the Pacific Islands Forum, the signing of a first multi-year economic support agreement — all that pointed to an exciting and challenging time for Tokelau in the coming months. The representative of New Zealand also paid tribute to UNDP, which had shown considerable sensitivity towards Tokelau's particular circumstances and needs.

B. Position of the people of Tokelau

49. At the 7th meeting of the Special Committee, on 16 June 2004, the Ulu-o-Tokelau, Isaako Patuki, noted that 2003 had been a momentous year for Tokelau (see A/AC.109/2004/SR.7). To ensure that Tokelau, New Zealand and the Committee would be ready to "cast the lure for the great fish", the next period had to be one of consolidation, he said. Rehearsing recent developments in regard to Tokelau's progression towards an act of self-determination, he noted that early and positive engagement had taken place with New Zealand on Tokelau's future political status. He noted that Tokelau currently had its own distinctive system of government based on the village councils and that the public services were being restructured and strengthened. He reported on the decisions taken by the General Fono pertaining to Tokelau's rules and draft constitution. Noting the establishment of Tokelau's

International Trust Fund, he appealed for support from the international community as Tokelau moved to take on greater responsibility for its own affairs. Special appreciation was expressed for the assistance being provided to Tokelau by UNDP. An invitation for the Special Committee to attend the workshop of the Special Constitutional Committee in October 2004 was extended.

Notes

[1] Updated information contained in the present paper has been derived from information transmitted to the Secretary-General by the Government of New Zealand on 29 November 2004, from organizations of the United Nations system and from published sources.

[2] As at 18 January 2004, NZ$ 1.00 was equivalent to US$ 0.70.

[3] UNDP programme of assistance to Samoa, Cook Islands, Niue and Tokelau, March 2001.

[4] Press release, "History in the making" (February 2002), and information transmitted by the Administrator of Tokelau.

[5] UNDP, Pacific Human Development Report, 1999.

[6] Information from WHO, 19 March 2001.